

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Case No.: 12-CR-00862-2 YGR
Case No.: 12-CR-00862-3 YGR

vs.

TRIAL SETTING ORDER

BRIAN FEDERICO and KEVIN LANEY,
Defendants

Having considered the filings to date and the arguments and other submissions at the Pretrial Conference, for good cause shown the Court enters the following orders:

1. **Trial Date and Schedule:** The trial of this matter is scheduled for to begin on **SEPTEMBER 15, 2014** at 8:30 a.m. in Courtroom 1 of the above-referenced Court. Trial is estimated to last ten (10) court days. Prosecution anticipates twenty (20) witnesses. Defense anticipates ten (10) to twenty (20) witnesses. Trial schedule will be generally as follows, Monday through Friday, from 8:30 a.m. to 1:30 p.m. with two fifteen minute breaks. Additional time may be scheduled for matters outside the presence of the jury as necessary and determined by the Court. Side bars are not permitted. Counsel should be prepared to anticipate issues so that they may be addressed outside of normal trial hours. The Court shall have a status conference with the parties on August 7, 2014 at 3:00 p.m. to inform the parties of any necessary adjustments to the trial schedule.

2. **Pre-Trial Conference:**

- a. A pre-trial conference shall be held on Friday, August 29, 2014, at 9:00 a.m.
- b. The parties shall comply with Local Rule 17.1-1(b) and the Court's Standing Order in Criminal Cases. The parties shall file the pretrial conference statement addressing all fifteen (**15**) issues identified in the local rule and all related filings by August 22, 2014.

3. **Motions in Limine:**

A motion *in limine* refers "to any motion, whether made before or during trial, to exclude anticipated prejudicial evidence before the evidence is actually offered." *Luce v. United States*, 469 U.S. 38, 40, n. 2 (1984). Not less than twenty-one (21) days prior to the pretrial conference, the parties shall serve, **but not file**, motions in limine. Not less than ten (14) days prior to the pretrial conference, the parties shall serve any oppositions thereto. The parties shall then meet and confer to resolve the motions. Any motions not resolved shall be filed not less than seven (7) days prior to the pretrial conference. The parties shall submit a JOINT CHAMBERS set including both the motion and the respective opposition. The proponent of the motion shall also submit a COMPREHENSIVE proposed form of order summarizing each motion and the requested relief.

Court hereby orders that witnesses shall be excluded until testimony is completed. Parties are ordered to admonish witnesses of the Court's rulings. Failure to comply with a ruling by the Court may result in sanctions, including without limitation the striking of the witness's entire testimony.

4. **Exhibits and Exhibit Lists:**

No witness may be shown any document or other object until it has been marked for identification using an exhibit number. The jury may not be shown any exhibits until admitted into evidence or stipulated by the parties as to admissibility without the express permission of the Court.

To the extent agreed upon, the parties shall file Exhibit Lists identifying those for which a stipulation of admissibility exists with an “S” in the appropriate box. When printing and providing these documents to the Court, please use the “portrait” orientation only. (Do not use “landscape” orientation.) A sample format is provided below:

| Ex. No. | Description | Sponsoring Witness | Stipulation to Admit | Objection | Date Admitted |
|------------|-------------|-----------------------|-------------------------|-----------|------------------|
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Physical evidence must also be pre-marked. For purposes of the Court's binder of anticipated exhibits referenced in paragraph 2 above, a picture of the exhibit should be taken and placed in the binder.

Parties are advised to review their exhibits critically and determine whether sub-designations are appropriate for both the record and rulings on any potential objections. For instance, if an exhibit consists of a series of pictures, rather than designate the exhibit collectively as Exhibit 1, each picture should have a designation, *i.e.* Exhibit 1-A, 1-B, 1-C, 1-D, 1-E and 1-F.

5. **Equipment:** Computers, projectors, screens and similar equipment must be tested in the courtroom prior to the day when it will be used. Arrangements may be made with the Courtroom Deputy, Frances Stone, at (510) 637-3540 as to appropriate time for doing so. Marshals require court order to allow equipment. Any party needing such an order must file a request and proposed order.

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1 6. **Failure to Comply:** Failure to comply with the obligations set forth in this order will
2 result in sanctions appropriate to the gravity of the failure.

3 **IT IS SO ORDERED.**

4 Date: March 24, 2014


HON. YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE